## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL ACTION NO. 1:14-CV-119-GCM-DCK

KYLE AUSTIN KRANICH,	)
Plaintiff,	)
<b>v.</b>	ORDER
CAROLYN W. COLVIN, Commissioner of Social Security Administration,	) ) )
Defendant.	) ) )

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Application For Attorney Fees Under The Equal Access To Justice Act" (Document No. 13) filed March 20, 2015. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of Defendant's counsel, the undersigned will grant the motion.

**IT IS, THEREFORE, ORDERED** that Plaintiff's "Application For Attorney Fees Under The Equal Access To Justice Act" (Document No. 13) is **GRANTED**.

IT IS FURTHER ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of six thousand thirty-eight dollars and forty cents (\$6,038.40) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the Equal Access To Justice Act ("EAJA"). Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's

fees to offset, the Commissioner may honor the Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED.

Signed: March 23, 2015

David C. Keesler

United States Magistrate Judge